

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

PAUL MONTOYA,

Plaintiff,

v.

1:23-cv-00980-KK-JMR

TRACTOR SUPPLY COMPANY,

Defendant.

INITIAL SCHEDULING ORDER

This case is assigned to me for scheduling, case management, discovery, and other non-dispositive motions. The Federal Rules of Civil Procedure and the Court's Local Rules of Civil Procedure will apply to this lawsuit.

The parties, appearing through counsel or *pro se*, will "meet and confer" no later than **Thursday, December 07, 2023**, to formulate a provisional discovery plan. FED. R. CIV. P. 26(f). The time allowed for discovery is generally 120 to 180 days. The Court will adhere to this time frame unless the parties provide adequate justification for a deviation.

The parties will cooperate in preparing a Joint Status Report and Provisional Discovery Plan ("JSR"). Please visit the Court's website, www.nmd.uscourts.gov, to download the standardized Joint Status Report and Provisional Discovery Plan form. The blanks for suggested/proposed dates are to be filled in by the parties. Actual dates will be promulgated by order of the Court shortly after the Rule 16 scheduling conference. Plaintiff, or defendant in removed cases, is responsible for filing the JSR by **Thursday, December 14, 2023**.

Good cause must be shown and the Court's express and written approval obtained for any modification of the dates in the scheduling order that issue from the JSR.

Initial disclosures under FED. R. CIV. P. 26(a)(1) shall be made within fourteen (14) days of the meet-and-confer session.

A Rule 16 scheduling conference will be conducted by telephone on **Thursday, December 21, 2023, at 9:30 a.m. Counsel shall call my AT&T toll-free conference line at 1-877-336-1831 and dial access code 4999264 to be joined to the proceedings.**

At the Rule 16 scheduling conference, counsel should be prepared to discuss discovery needs and scheduling, all claims and defenses, the use of scientific evidence and whether a *Daubert*¹ hearing will be needed, initial disclosures, and the time of expert disclosures and reports under FED. R. CIV. P. 26(a)(2). We also will discuss settlement prospects and alternative dispute resolution possibilities and consideration of consent pursuant to 28 U.S.C. § 636(c).

Client attendance is not required. All parties should review the Court's webpage at:

<https://www.nmd.uscourts.gov/content/judge-jennifer-m-rozzoni>, particularly noting the Procedures Tab and linked Guidelines for Proposed Protective Orders and General Procedures (which includes information about how to resolve minor discovery disputes).

Plaintiff shall serve a copy of this order on any parties that have been served but have not yet entered an appearance and shall file a certificate of service with the Court documenting such service. Plaintiff shall serve a copy of this order on any parties not yet served along with the summons and complaint.


JENNIFER M. ROZZONI
United States Magistrate Judge

¹ *Daubert v. Merrell Dow Pharmaceuticals*, 509 U.S. 579 (1993).